



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 31 2015

CERTIFIED MAIL 70142870000033177899
RETURN RECEIPT REQUESTED

Mr. Jack Brown
Dynamic Airways, LLC
701 N. Terminal Service Road
Greensboro, North Carolina 27409

Re: **NOTICE OF VIOLATION**

Aircraft Public Water System Identification Number: AC0006724
FAA Registry No.: N770JM

The U.S. Environmental Protection Agency oversees implementation of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f – 300j-26, and the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800 – 810. To facilitate implementation of the ADWR, the EPA has developed a centralized, web-based Aircraft Reporting and Compliance System (ARCS) for air carriers to use as an Agency approved method to submit required information in an electronic format.

Based on the EPA's review of the data submitted in ARCS by Dynamic Airways, LLC (Dynamic), there have been a number of violations for the above mentioned aircraft public water system (APWS). These violations are identified below:

<u>APWS Identification #/ FAA Registry #</u>	<u>Monitoring Period or Reporting Deadline</u>	<u>Violation</u>
AC0006724 (N770JM)	03/31/2013 (Due)	<ul style="list-style-type: none">-Failure to report inventory within the first calendar quarter of initial operation-Failure to develop and report a coliform sampling plan within the first calendar quarter of initial operation-Failure to develop and report an Operations and Maintenance (O&M) plan within the first calendar quarter of initial operation
	01/01/13 – 03/31/13	<ul style="list-style-type: none">-Failure to perform routine disinfection and flushing (D&F)-Failure to timely report the failure to perform routine D&F-Failure to timely perform all corrective actions for failure to perform routine D&F

04/01/13 – 06/30/13	-Failure to perform routine disinfection and flushing (D&F) -Failure to timely report the failure to perform routine D&F -Failure to timely perform all corrective actions for failure to perform routine D&F
07/01/13 – 09/30/13	-Failure to perform routine disinfection and flushing (D&F) -Failure to timely report the failure to perform routine D&F -Failure to timely perform all corrective actions for failure to perform routine D&F
10/01/13 – 12/31/13	-Failure to perform routine disinfection and flushing (D&F) -Failure to timely report the failure to perform routine D&F -Failure to timely perform all corrective actions for failure to perform routine D&F
01/01/13 – 12/31/13	-Failure to perform routine coliform sampling -Failure to timely report the failure to perform routine coliform sampling -Failure to timely perform all corrective actions for failure to perform routine coliform sampling
02/10/14 (Due)	-Failure to report a change in status no later than 10 days following the calendar month in which the change occurred

The above are violations of the SDWA and the ADWR as described below:

- I. Pursuant to 40 C.F.R. § 141.806(a)(2), the air carrier must report inventory, develop in accordance with 40 C.F.R. § 141.802 and report a coliform sampling plan, and develop in accordance with 40 C.F.R. § 141.804 and report an O&M plan within the first calendar quarter of initial operation.
 - a. According to the initial operation date entered into ARCS, by the air carrier, the aforementioned APWS was in operation beginning March 29, 2013. Therefore, the inventory, development/reporting of the coliform sampling plan, and development/reporting of the O&M plan were to be reported no later than March 31, 2013. The inventory, coliform sampling plan, and O&M plan were not reported in ARCS until June 10, 2015. Therefore, Dynamic is in violation of 40 C.F.R. §§ 141.802, 141.804, and 141.806(a)(2), for failure to timely report inventory, develop/report coliform sampling plan, and develop/report an O&M plan.

2. Pursuant to 40 C.F.R. § 141.803(b), for each APWS the sampling frequency must be determined by the D&F frequency recommended by the APWS manufacturer, when available, and as identified in the O&M plan developed in accordance with 40 C.F.R. § 141.804.
 - a. According to the O&M plan information entered in ARCS, by the air carrier, Dynamic is required to perform routine D&F quarterly. The information in ARCS and reviewed by the EPA indicates that Dynamic failed to perform the routine D&F for the following quarters: January 1, 2013 – March 31, 2013; April 1, 2013 – June 30, 2013; July 1, 2013 – September 30, 2013; and October 1, 2013 – December 31, 2013. Therefore, Dynamic is in violation of 40 C.F.R. § 141.803(b), for failure to perform the routine D&F.
3. Pursuant to 40 C.F.R. § 141.803(b), for each APWS the air carrier must perform routine coliform sampling at the frequency specified in the sampling plan developed in accordance with 40 C.F.R. § 141.802.
 - a. According to the sampling plan information entered in ARCS, by the air carrier, Dynamic is required to perform routine coliform sampling annually. The information in ARCS and reviewed by the EPA indicates that Dynamic failed to perform routine coliform sampling for the January 1, 2013 – December 31, 2013 monitoring period. Therefore, Dynamic is in violation of 40 C.F.R. § 141.803(b), for failure to perform routine coliform sampling.
4. Pursuant to 40 C.F.R. § 141.806(b)(5), for each APWS the air carrier must report to the EPA any failures to perform routine coliform sampling and/or routine D&F within 10 days of discovery.
 - a. The information entered into ARCS and reviewed by the EPA indicates that Dynamic failed to timely report the failure to perform routine coliform sampling for the January 1, 2013 – December 31, 2013 monitoring period. Therefore, Dynamic is in violation of 40 C.F.R. § 141.806(b)(5), for failure to timely report the failure to perform routine coliform sampling.
 - b. The information entered into ARCS and reviewed by the EPA indicates that Dynamic failed to timely report the failure to perform routine D&F for the following monitoring periods: January 1, 2013 – March 31, 2013; April 1, 2013 – June 30, 2013; July 1, 2013 – September 30, 2013; and October 1, 2013 – December 31, 2013. Therefore, Dynamic is in violation of 40 C.F.R. § 141.806(b)(5), for failure to timely report the failure to perform routine D&F.
5. Pursuant to 40 C.F.R. § 141.803(f), for each APWS the air carrier must perform specific corrective actions when an air carrier fails to collect and analyze the required routine coliform samples and/or fails to perform the required routine D&F.
 - a. According to the information entered in ARCS by the air carrier, Dynamic is required to perform specific corrective actions for failing to perform routine coliform sampling. The information in ARCS and reviewed by the EPA indicates that Dynamic failed to perform corrective actions required for the January 1, 2013 – December 31, 2013 monitoring period. Therefore, Dynamic is in violation of 40 C.F.R. § 141.803(f), for failure to

perform the required corrective actions after failing to perform the routine coliform sampling.

- b. According to the information entered in ARCS by the air carrier, Dynamic is required to perform specific corrective actions for failing to perform routine D&F. The information in ARCS and reviewed by the EPA indicates that Dynamic failed to perform corrective actions required for the following monitoring periods: January 1, 2013 – March 31, 2013; April 1, 2013 – June 30, 2013; July 1, 2013 – September 30, 2013; and October 1, 2013 – December 31, 2013. Therefore, Dynamic is in violation of 40 C.F.R. § 141.803(f), for failure to perform the required corrective actions after failing to perform the routine D&F.
6. Pursuant to 40 C.F.R. § 141.806(b)(2)(ii), for each APWS the air carrier must report any changes in status of any aircraft no later than 10 days following the end of the calendar month in which the change occurred.
 - a. The information entered into ARCS and reviewed by the EPA indicates that Dynamic failed to timely report the change of the APWS to inactive. The aircraft was made inactive on January 24, 2014, per the information entered in ARCS by Dynamic. This status change was required to be reported by February 10, 2014. However, Dynamic reported the status change on June 16, 2015. Therefore, Dynamic is in violation of 40 C.F.R. § 141.806(b)(2)(ii), for failure to timely report the change of status.
7. Pursuant to 40 C.F.R. § 141.810(a), an aircraft is in violation of the ADWR when for any APWS it fails to perform any of the requirements in accordance with 40 C.F.R. §§ 141.803 or 141.804. As discussed above, Dynamic violated 40 C.F.R. §§ 141.803 and 141.804 and therefore, is also in violation of 40 C.F.R. § 141.810(a).
8. Pursuant to 40 C.F.R. § 141.810(d), an aircraft is in violation of the ADWR when for any APWS it fails to comply with the reporting and recordkeeping requirements in accordance with 40 C.F.R. §§ 141.800 – 810. As discussed above Dynamic violated 40 C.F.R. § 141.806 and therefore is also in violation of 40 C.F.R. § 141.810(d).
9. Pursuant to 40 C.F.R. § 141.810(f), an aircraft is in violation of the ADWR when for any APWS it fails to develop a coliform sampling plan in accordance with 40 C.F.R. § 141.802 and/or fails to develop an O&M plan in accordance with 40 C.F.R. § 141.804. As discussed above Dynamic violated 40 C.F.R. §§ 141.802 and 141.804 and therefore is also in violation of 40 C.F.R. § 141.810(f).

SDWA Section 1414, 42 U.S.C. § 300g-3, authorizes the EPA to take formal enforcement action against public water systems for violations of the national primary drinking water regulations, including ADWR. Therefore, within 10 days of receipt of this Notice of Violation, Dynamic must contact this office to arrange a meeting to show cause why the EPA should not initiate legal proceedings. In lieu of appearing in the EPA's offices for this meeting, a telephone conference may be scheduled. Dynamic should be prepared to provide all relevant information with documentation pertaining to the above violations. The EPA's legal counsel may be present at this meeting. Dynamic also has the right to have their legal counsel present.

To arrange the particulars of this meeting or to arrange for a telephone conference, please contact Ms. Amanda Driskell at (404) 562-9735 or driskell.amanda@epa.gov. If Dynamic fails to attend the scheduled meeting/telephone conference or to contact Ms. Driskell prior to the meeting/conference date, the EPA may proceed with formal enforcement against Dynamic without further notice.

Please be advised that any information provided may be used by the EPA in any administrative, civil, or criminal proceedings related to this or other matters.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* for Dynamic's use and to assist in the understanding of the compliance assistance resources and tools available.

If there are any questions or concerns, please contact Ms. Driskell of my staff, at the telephone number or email address above. Any legal inquiries should be directed to Ms. Wilda Cobb, Associate Regional Counsel, at (404) 562-9530 or cobb.wilda@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "James D. Giattina" with a stylized flourish at the end.

James D. Giattina
Director
Water Protection Division

Enclosure

cc: Elizabeth Sukie
Dynamic Airways, LLC